REMARKS

Claim 1 has been amended. Thus, claims 1, 5, 7-15, 18-22, 25-27, and 29-38 are pending in the present application. Support for the amendment to claim 1 may be found in the published PCT application at page 11, paragraph [0040]; page 15, paragraph [0064] and pages 17-18, paragraph [0070]. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejections in view of the comments presented herein are respectfully requested.

Interview Summary

Applicants' representatives would like to thank Examiners Mukhopadhyay and Shosho for the courtesy extended to them during the telephonic interview conducted on February 10, 2011. The substance of this interview is reflected in Interview Summary above and the amendments and remarks presented herein.

Rejections under 35 U.S.C. § 103(a) over "Apricot Glaze" in view of Wiggett et al.

Claims 1, 7-13, 15, 18-22, 25-27, and 29-38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over NPL "Apricot Glaze" in view of Wiggett et al. (GB 2078082). Claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over "Apricot Glaze" in view of Wiggett et al. and further in view of Holscher et al. (US 4,762,721). Claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over "Apricot Glaze" in view of Wiggett et al., and further in view of Smadar et al. (US 3,650,766).

The presently claimed invention provides an (in-situ) ready-to-use cold gelling pastry glaze composition which, before application and without a heating step, is a liquid or viscous liquid at ambient temperatures below 35°C, and which forms a pastry glaze upon contact with a food product support. The presently claimed composition jellifies and turns into the final pastry glaze at ambient temperatures below 35°C when applied to a food product support which provides the extra calcium needed for jellification. This liquid or viscous liquid pastry glaze (precursor) composition forms a pastry glaze, and does not gel upon storage. This is a very important commercial property, as the glaze composition before application may be transported and stored for a prolonged period, during which time the composition will not gel prematurely.

Applicants note that, in the claimed compositions, jellification is triggered once the glaze composition is applied to the food product. The claimed compositions have advantageous characteristics such as no flowing-down and easy cutability. In particular, by relying upon the calcium ions transfer between the food product support and the glaze composition, the glaze composition is allowed to jellify slowly onto the food product, which in turn will provide a much more conformal glazing of the corresponding food product. This is a very important property for food products with complex shapes (e.g. fruit tarts), and for which maintaining original appearance is important (specification, paragraph [0108]). Furthermore, it is believed that the excellent cut-ability of the glaze according to invention is linked to this slow jellification and may be explained by the slow evolution of its texture (firmness), once in contact with food product, towards a firm gel (specification at paragraphs [0109], and [0112] to [0114]). Thus, the currently claimed compositions can be used to form on demand and in-situ pastry glazes on food product supports.

The combination of "Apricot Glaze" and Wiggett et al. does not teach or suggest glaze compositions which are a liquid or viscous liquid before application without a heating step. "Apricot Glaze" describes a method for preparing glaze in which jam or preserves (which are semi-solids, not liquids or viscous liquids as presently claimed) are heated, strained, cooled and then applied to a food. Wiggett et al. does not teach formation of a pastry glaze, but instead teaches spreadable or pourable fruit compositions such as marmalades and jams which, in contrast to the present claims, are not liquids or viscous liquids at ambient temperatures below 35°C. Thus, if one of skill in the art were to combine "Apricot Glaze" and Wiggett, the jam or marmalade from Wiggett would be heated according to the procedure set forth in "Apricot Glaze." Because the combination of "Apricot Glaze" and Wiggett et al. does not teach or suggest glaze compositions which are a liquid or viscous liquid before application without a heating step, Applicant respectfully submits that the claimed invention is not obvious over the combination of "Apricot Glaze" and Wiggett et al.

In addition, the combination of "Apricot Glaze" and Wiggett et al. does not teach or suggest glaze compositions which jellify and turn into the final pastry glaze at ambient temperatures below 35°C when applied to a food product support which provides the extra calcium needed for jellification. As discussed above, "Apricot Glaze" describes a method for

preparing glaze in which jam or preserves (which are semi-solids, not liquids or viscous liquids as presently claimed) are heated, strained, cooled and then applied to a food. There is no teaching or suggestion in "Apricot Glaze" of the food product providing the calcium for jellification. Wiggett et al. describes the preparation of jams or marmalades which are already jellified. There is no discussion in Wiggett et al. of providing the calcium for jellification from a food product. If one skilled in the art were to combine "Apricot Glaze" and Wiggett et al. they would take the already jellified jams or marmalades described in Wiggett et al. and heat them, strain them and apply them to food as described in "Apricot Glaze." Because the combination of "Apricot Glaze" and Wiggett et al. does not teach or suggest glaze compositions which jellify and turn into the final pastry glaze at ambient temperatures below 35°C when applied to a food product support which provides the extra calcium needed for jellification, Applicant respectfully submits that the claimed invention is not obvious over the combination of "Apricot Glaze" and Wiggett et al.

With respect to Claim 14, Smadar is relied upon for its teaching of controlling skin strength by controlling the ion concentration and/or exposure time. However, Smadar does not remedy the foregoing deficiencies in the teaching of "Apricot Glaze" and Wiggett et al.

Rejections under 35 U.S.C. § 103(a) over Feller in view of Wiggett et al.

Claims 1, 7-13, 15, 18-22, 25-27, and 29-38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feller (US 5,976,586) in view of Wiggett et al. (GB 2078082). Claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over in view of Wiggett et al., and further in view of Holscher et al. (US 4,762,721). Claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feller in view of Wiggett et al., and further in view of Smadar et al. (US 3,650,766).

The combination of Feller and Wiggett et al. does not teach or suggest glaze compositions which jellify and turn into the final pastry glaze at ambient temperatures below 35°C when applied to a food product support which provides the extra calcium needed for jellification. As discussed above, the jam or marmalade of Wiggett already has sufficient calcium to cause gelation (see Wiggett page 1, lines 58-90) and would not utilize calcium present in a food product itself to provide the calcium needed for gelation as recited in the present claims. In addition, Feller does not discuss the use of calcium to regulate gelation nor does it provide a reason to use the calcium

present in the food product itself to cause gelation as recited in the present claims. In particular, Feller describes a gelation system comprising the combination of vegetable gum (e.g. pectin) with modified food starch rather than a gelation system which utilizes calcium present in the food product itself. Because the combination of Feller and Wiggett et al. does not teach or suggest glaze compositions which jellify and turn into the final pastry glaze at ambient temperatures below 35°C when applied to a food product support which provides the extra calcium needed for jellification, Applicant respectfully submits that the claimed invention is not obvious over the combination of Feller and Wiggett et al.

With respect to Claims 5 and 14, Holscher et al. is relied upon for its disclosure of the thixotropic property of a glazing composition with the addition of xanthan gum. Smadar is relied upon for its teaching of controlling skin strength by controlling the ion concentration and/or exposure time. However, neither of these references remedies the aforementioned deficiencies in the teaching of Feller and Wiggett et al.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a).

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

Applicants submit that all claims are in condition for allowance. However, if minor matters remain, the Examiner is invited to contact the undersigned at the telephone number provided below. If any additional fees are required, please charge these to Deposit Account No.

11-1410. Should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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